

## **Remarks**

Claims 1-13 and 22-23 are pending. Claim 1 has been amended to recite, *inter alia*, a local terminal mounted adjacent the checkout station and to delete redundancies. Claims 2-3 have been amended to include references to the local terminal.

Claims 14-21 have previously been withdrawn.

## **Status of the Claims**

All pending claims are under final rejection.

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph for including an indefinite term.

Claims 1-8 and 22-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,494,136 to Humble (hereinafter “Humble”) in view U.S. Patent No. 6,502,749 to Snyder (hereinafter “Snyder”).

Claims 9-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humble in view of Snyder in further view of U.S. Patent No. 6,629,019 to Legge et al. (hereinafter “Legge”).

Claims 12-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humble in view of Snyder in further view of U.S. Patent No. 6,453,689 to Wada (hereinafter “Wada”).

## **Claim 1 Rejected Under 35 U.S.C. 112 second paragraph**

Claim 1 was rejected for inclusion of the term ‘local’, i.e., ‘local terminal’. The Examiner stated that the term ‘local’ was indefinite and needed ‘a marker in space.’ Applicants have thus amended the claim to further include the limitation “mounted adjacent the checkout station.” Support for this limitation is in Applicants’ specification, page 8, lines 5-8. Applicants’

believe the term ‘mounted adjacent the checkout station’ provides a sufficient marker in space and that this rejection has been overcome.

**Claims 1-8, 22-23 rejected under 35 U.S.C. § 103(a) as being unpatentable over Humble in view Snyder**

Humble is cited by the Examiner for (1) a checkout station configured for self-checkout by customers of items for purchase and (2) a supervisory terminal configured to conduct supervisory activities to administer the operation of the checkout station. The Examiner cites inputting of missing codes into the system as “supervisory activities”. The Examiner, however, admits that Humble does not teach (1) a controller (2) comprising stored program instructions that configure the controller to enable supervisory activity administration of the checkout station by multiple ones of the plurality of supervisory terminals and (3) to enable communication of requests from a checkout station to multiple ones of a plurality of supervisory terminals including the local terminal as claimed, *inter alia*, in Applicants’ claim 1.

Additionally, Humble does not disclose a local terminal mounted adjacent the checkout station. The only supervisory terminal disclosed is the remote payment station. There is no station mounted on or next to the checkout station as is understood by the term adjacent.

Snyder does not cure these deficiencies. Specifically, Snyder does not disclose a controller comprising stored program instructions that configure **the controller to enable supervisory activity administration of the checkout station by multiple ones of the plurality of supervisory terminals...**” as claimed, *inter alia*, in Applicants claim 1.

In all embodiments discussed in Snyder, it is readily apparent that the controller configures communications from the checkout station to the supervisory terminals but does not allow for reverse communication from the supervisory terminals to the checkout station. Snyder very plainly states that upon detection of an intervention-needed activity by the processing unit 78b, an intervention-needed control signal is generated by signal transmitter 86a to pagers 90 or intercom 92. (See column 21, lines 15-37; column 27, lines 1-11.) Nowhere in Snyder is there any disclosure of a controller enabling supervisory activity administration of the

checkout station by multiple ones of the plurality of supervisory terminals. In fact, there is no communication whatsoever, administrative or not, from the Snyder's supervisory terminals to the controllers, let alone any that is enabled by a controller.

The Examiner seems to miss this lack of disclosure, instead focusing on whether Snyder shows a controller 'operatively coupling' the plurality of supervisory terminals to the self-checkout stations, thereafter citing an RF transmission from a paging device to the pagers. The Examiner does not even address the deficiency in Snyder of a lack of a controller that is configured to enable supervisory administration activity from the checkout station by the supervisory terminals. As an additional matter, whether the term 'operatively coupled' requires operative ability in both directions, which Snyder does not show, is itself a debatable point.

Further, Snyder does not disclose a local supervisory terminal mounted adjacent the checkout station (i.e. one mounted on or next to the checkout station.) According to the Examiner, the supervisory terminals in Snyder are pagers than can be carried about the store by retail personnel. See Snyder, column 21, lines 15-22. The pagers are clearly not mounted adjacent the supervisory terminals. The very purpose of the pagers is to alert retail personnel when the personnel is not located near the checkout station.

Since Applicants' claim 1 recites, *inter alia*, a "controller to enable supervisory activity administration of the checkout station by multiple ones of the plurality of supervisory terminals," or "a local supervisory terminal mounted adjacent the checkout station," and neither Snyder nor Humble disclose a controller enabling such supervisory activity or a local terminal as claimed, the combination of Humble and Snyder does not recite all the claim limitations of Applicants' claim 1. Claim 1 is therefore allowable. As claims 2-8, and 22-23 depend therefrom, they are likewise allowable over the cited combination.

Further regarding claim 2 and 3, as per the amendment of the local terminal is one of a plurality of local terminals, each local terminal mounted adjacent to a corresponding one of the plurality of checkout stations into Applicants' claim 2 and 3, neither Humble nor Snyder disclose this limitation for the reasons cited above.

**Claims 9-11 rejected under 35 U.S.C. § 103(a) as being unpatentable over Humble in view  
Snyder in further view of Legge.**

Legge discloses a transponder card that is used in arcade video games to, for example, release credits on a video game machine. Legge does not disclose using a transponder card for overriding a weight violation. Nonetheless, the Examiner asserts that it would be obvious to program a transponder card to eliminate a weight violation and use it with the combined systems of Humble and Snyder.

Neither Humble, Snyder or Legge, however, individually or in combination, teach or suggest using a **supervisory terminal** to clear a weight violation. Indeed, Legge teaches use of a transponder card at an instant location, i.e., a game machine, to release credits. The transponder card is not used at any other location, for example, at a supervisory terminal. **This is significant.** The difference between Applicants' use of transponder cards at any number of supervisory terminals at any number of locations, some stationary and some mobile, wherein one or a multiplicity of controllers are configured to enable the use of the transponder card at any particular checkout station, is a significant, non-obvious advance as compared to Legge's transponder card that has to swiped at the exact site of the game machine in question without the use of a controller for any release to happen. The Examiners cited motivation does not bridge this gap. This is further emphasized by the fact that, as stated above, neither Humble or Snyder, in addition to Legge, have a controller that enables activity from the supervisory terminals to the checkout terminals. As there is no disclosure or suggestion to clear a weight violation from a supervisory terminal, or any controller to enable this, one skilled in the art would not think to combine Humble and Snyder with the transponder card from Legge to achieve such a purpose.

Further, with regard to claim 11, Humble does not disclose a 'supervisory terminal **dedicated** to conducting supervisory activities over a first one of the plurality of checkout stations', as the Examiner suggests, since to the extent the supervisory terminal can perform activities on a first checkout station, it can also perform the same activities on other checkout stations, and thus is ***not*** 'dedicated'.

Thus, claims 9-11 are not obvious over the cited references.

Further, for at least the reasons specified with respect to claim 1, claims 9-11 should be allowed as depending on independent claim 1 either directly or through intervening claims.

**Claims 12-13 rejected under 35 U.S.C. § 103(a) as being unpatentable over Humble in view of Snyder in further view of Wada.**

Further, for at least the reasons specified with respect to claim 1, claims 12-13 should be allowed as depending on independent claim 1 either directly or through intervening claims.

## Conclusions

Therefore, for at least the reasons cited above, claims 1-13 and 22-23 are patentable over the cited references.

Pending claims 1-13 and 22-23 are believed to be in condition for allowance. Applicants respectfully request that all pending claims be allowed.

Please apply any credits or excess charges to our deposit account number 50-0521.

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Respectfully submitted,



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